

Message Text

CONFIDENTIAL

PAGE 01 STATE 065129
ORIGIN IO-13

INFO OCT-01 ISO-00 CIAE-00 CU-02 INR-07 NSAE-00
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IO/UNP - RMAXIM
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FM SECSTATE WASHDC
TO AMEMBASSY PARIS PRIORITY
INFO USMISSION USUN NEW YORK
USMISSION GENEVA

C O N F I D E N T I A L STATE 065129

NESCO

E.O. 11652:GDS

TAGS:AORG, UNESCO

SUBJECT:UNESCO; DEPOLITICIZATION INITIATIVES

REF; PARIS 7031

1. DEPT. AGREES WITH PERMDEL (PARA 8 REFTEL) THAT THIS IS
THE TIME TO BEGIN CONSULTATIONS RE FURTHER DEPOLITICIZA-
TION OF UNESCO.

2. IN THIS RESPECT, WE WISH TO HAVE PERMDEL'S VIEW ON
FEASIBILITY OF OUR PROPOSING AT 102ND EXECUTIVE BOARD THE
CREATION OF A DUE PROCESS INVESTIGATIVE MECHANISM WITHIN
UNESCO FOR THE EXAMINATION OF COMPLAINTS BY ONE MEMBER
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 065129

STATE AGAINST ANOTHER OVER NON-COMPLIANCE WITH UNESCO
INSTRUMENTS AND OTHER INTERNATIONAL INSTRUMENTS DEALING WITH
MATTERS WITHIN UNESCO'S COMPETENCE. THIS WOULD INCLUDE, BUT
NOT BE LIMITED TO, HUMAN RIGHTS VIOLATIONS. THE ILO'S
MECHANISM, WHICH HAS FUNCTIONED WELL FOR SEVERAL DECADES, IS
THE BASIC MODEL FOR THE SYSTEM THAT WE ARE STUDYING FOR
APPLICATION TO UNESCO. THE ILO'S MECHANISM PROVIDES FOR A

PROFESSIONAL, DELIBERATE AND DISPASSIONATE EXAMINATION OF COMPLAINTS BY ONE MEMBER STATE AGAINST ANOTHER BEFORE SUCH COMPLAINTS ARE CONSIDERED BY THE POLITICAL BODIES OF THE ORGANIZATION.

3. BASIC ELEMENTS OF THE ILO SYSTEM, WHICH WE ARE STUDYING FOR THEIR APPLICABILITY TO UNESCO IN APPROPRIATELY MODIFIED FORM ARE:

A) THE DIRECTOR GENERAL, WITH THE ADVICE AND CONSENT OF THE POLICY-MAKING BODIES, APPOINTS A PANEL OF EXPERTS IN LAW AND OTHER RELEVANT FIELDS. THE ILO'S PANEL HAS INCLUDED SUCH PEOPLE AS FORMER CHIEF JUSTICES OF MEMBER STATES. THESE EXPERTS, WHOSE QUALIFICATIONS ARE BEYOND CHALLENGE, HAVE NOTHING TO DO WITH THE ORGANIZATION IN ANY OTHER CAPACITY. THEY ARE NOT MEMBERS OF ITS EXECUTIVE ARM, NOR DO THEY REPRESENT THEIR GOVERNMENTS BEFORE THE GENERAL CONFERENCE OF THE ORGANIZATION.

B) FROM THIS PANEL, A COMMITTEE OF EXPERTS IS CONVOKED FOR REGULAR MEETINGS, WHICH ARE HELD OFF CYCLE BETWEEN SESSIONS OF THE POLICY-MAKING BODIES. THERE IS NO DIRECT INTER-ACTION BETWEEN THE COMMITTEE OF EXPERTS AND THE POLITICAL BODIES. (IN UNESCO, THE COMPOSITION OF A COMMITTEE OF EXPERTS COULD BE VARIED ACCORDING TO THE NATURE OF THE COMPLAINTS BEING EXAMINED; I.E., FOR INFRINGEMENT OF EDUCATIONAL, SCIENTIFIC OR CULTURAL RIGHTS.)

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C) THE COMMITTEE EXAMINES THE COMPLAINT, CALLS FOR STATE-CONFIDENTIAL

CONFIDENTIAL

PAGE 03 STATE 065129

MENTS FROM GOVERNMENTS AND ORGANIZATIONS INVOLVED, TAKES TESTIMONY FROM ANY RELEVANT GROUP OR INDIVIDUAL, AND, IN A PROFESSIONAL AND DISPASSIONATE ATMOSPHERE, MAKES ITS REPORT.

D) THE POLITICAL BODIES DO NOT DEAL WITH THE ISSUE UNTIL IT IS PUT BEFORE THEM IN THE FORM OF THE REPORT FROM THE COMMITTEE OF EXPERTS ON THE ALLEGATIONS AND ACCUSATIONS AND THE COMMITTEE'S PROFESSIONAL EVALUATION.

4. ADVANTAGES OF THE PROCESS ARE: A) THE ISSUES ARE AUTOMATICALLY DELAYED BEFORE THEY GO TO A POLITICAL BODY, ALLOWING PASSIONS TO COOL; B) BECAUSE OF THE RECOGNIZED INTEGRITY AND PROFESSIONAL COMPETENCE OF THE EXPERTS, THEIR REPORTS HAVE TO BE TAKEN SERIOUSLY; C) THE PROCESS CAN BE ARRANGED SO THAT THE DIRECTOR GENERAL HAS SEVERAL OPPORTUNITIES AT WHICH HE CAN INTERVENE, EXERCISING A MODERATING ROLE; D) COUNTRIES THAT HAVE BEEN JUSTLY CRITICIZED ARE UNDER PRESSURE TO CORRECT THEIR PRACTICES

AND POLICIES, AND HAVE TIME TO DO SO, BEFORE BEING CONDEMNED; E) THE SYSTEM--AT LEAST AS IT OPERATES IN THE ILO--HAS GAINED THE RESPECT OF MEMBER STATES AND THEY RESPOND TO ITS PRESSURES; MOST UNESCO MEMBERS ALREADY SUPPORT THEIR MACHINERY IN THE ILO, A FACT THAT SHOULD ENHANCE ITS ACCEPTANCE IN UNESCO.

ABOUT COMPLIANCE WITH INTERNATIONAL STANDARDS, IT IS A POSITIVE ADDITION TO AN INTERNATIONAL ORGANIZATION'S RESOURCES FOR ACCOMPLISHING ITS OBJECTIVES. THUS, TAKING AN INITIATIVE TO ADOPT A SIMILAR SYSTEM IN UNESCO WOULD CLEARLY BE A POSITIVE STEP, NOT NEGATIVE. WITH SUCH A SYSTEM, UNESCO WOULD BE MORE, NOT LESS, EFFECTIVE.

6. OUR IMMEDIATE GOAL IS TO SEEK ENOUGH EVIDENCE OF SERIOUS INTEREST IN/POTENTIAL SUPPORT FOR CONSTITUTIONAL AMENDMENT OF THIS NATURE THAT WE COULD MAKE STATEMENT OF CONFIDENTIAL

CONFIDENTIAL

PAGE 04 STATE 065129

INTENTION AT 102ND EXECUTIVE BOARD MEETING. (SEE PARA 8 BELOW.) WE FULLY RECOGNIZE RECEPTIVITY TOWARD SUCH PROPOSAL WILL DEPEND TO IMPORTANT EXTENT UPON HOW UNESCO FUNDING ISSUE FARES IN CONGRESS AND WOULD NOT ENVISAGE PROCEEDING WITH INITIATIVE AT UPCOMING EXECUTIVE BOARD MEETING IF OUTLOOK ON THAT SCORE IS BLEAK.

7. WITH ABOVE GOAL IN MIND, UNLESS THERE ARE SERIOUS MISGIVINGS/RESERVATIONS FROM PERM DEL, WE WOULD ENVISAGE PERM DEL PROCEEDING AS FOLLOWS:

A) PERM DEL WOULD APPROACH BOARD CHAIRMAN MARTIN AND INFORMATION GROUP (IG) AND INFORM THEM WE ARE THINKING OF TAKING THE INITIATIVE TO SECURE, AT THE 1978 GENERAL CONFERENCE, A CONSTITUTIONAL AMENDMENT PROVIDING FOR INVESTIGATIVE AND REVIEW MACHINERY ALONG LINES INDICATED ABOVE. CONCURRENT INTENSIVE APPROACH MIGHT BE MADE TO SCANDINAVIAN MEMBERS OF THE IG, IN VIEW OF THEIR PARTICULARLY CONSISTENT INTEREST IN HUMAN RIGHTS ISSUES AT UNESCO.

B) SHOULD MARTIN AND IG SEE NO OBJECTION, PERM DEL WOULD THEN PROMPTLY GET WORD OF OUR TENTATIVE INTENTIONS TO DIRECTOR GENERAL. WE ARE ANXIOUS TO KEEP M'BOW FULLY INFORMED BUT WOULD LEAVE TO PERM DEL'S JUDGMENT WHETHER DIRECT OR INDIRECT APPROACH TO M'BOW WOULD BE BEST. AT THIS POINT WE ARE INCLINED TOWARD INDIRECT APPROACH (E.G., VIA KABORE) SINCE WE WOULD BE SEEKING ONLY TO INFORM M'BOW OF OUR THINKING, NOT SEEK HIS SUPPORT OR AGREEMENT IN ANY WAY.

C) ONCE M'BOW IS INFORMED OF OUR THINKING, WE WOULD WANT SERIES OF STEPS TO INFORM, GENERATE INTEREST IN AND SEEK SUPPORT FROM BROADEST POSSIBLE RANGE OF MEMBERSHIP, PARTICULARLY KEY LDC'S. WE WILL APPRECIATE PERM DEL'S VIEWS ON SUBSTANCE, TIMING AND LOCUS (I.E., IN CAPITALS
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PAGE 05 STATE 065129

OR PARIS) OF SUCH STEPS.

8. AS NOTED EARLIER, OUR IMMEDIATE GOAL IS STATEMENT OF INTENTION AT APRIL-MAY EXECUTIVE BOARD MEETING. BOARD AGENDA ITEM 5.6.2, A "CONSIDERATION OF HUMAN RIGHTS COMPLAINTS MECHANISMS IN OTHER UN AGENCIES," WOULD BE HIGHLY APPROPRIATE OPPORTUNITY TO MAKE SUCH STATEMENT. MOREOVER, STATEMENT AT 102ND EXECUTIVE BOARD MEETING WOULD REMOVE PRETEXT FOR OPPONENTS TO CLAIM LATER THERE HAD BEEN INSUFFICIENT TIME TO PERMIT THOROUGH CONSIDERATION. WE ENVISAGE SHORT, SIMPLE STATEMENT FORMULATED WITH VIEW TO MINIMIZING CHANCES OF SHARP POLITICAL DEBATE. (WE WOULD, OF COURSE, AVOID USE OF TERMS SUCH AS "DEPOLITICIZATION" WHICH, AS REFTEL NOTES, COULD BE CONSIDERED PROVOCATIVE.)

9. WHEN DISCUSSING OUR THINKING WITH MARTIN AND IG, PERM DEL SHOULD STRESS OUR STRONG DESIRE TO MAINTAIN MOMENTUM OF NAIROBI AND TO PROMOTE FURTHER STEPS WHICH WILL REDUCE EXTENT TO WHICH DIVISIVE OR IRRELEVANT POLITICAL ISSUES INTERFERE WITH UNESCO PROGRAMS AND PURPOSES. TO THIS END, WE WOULD VALUE THEIR JUDGMENTS ON WHAT COULD USEFULLY BE DONE AT 102ND AND SUBSEQUENT EXECUTIVE BOARD MEETINGS--PARTICULARLY ANY SUGGESTIONS THAT WOULD MOVE IN DIRECTION OF WIPING SLATE CLEAN OF JERUSALEM AND OCCUPIED TERRITORIES ISSUES. PERM DEL SHOULD ALSO EXPLAIN TO MARTIN AND IG MEMBERS THE IMPORTANCE, PARTLY IN RELATION TO CONGRESSIONAL ATTITUDES, OF OUR CONTINUING TO SHOW PROGRESS ON POLITICAL ISSUES IN UNESCO. SINCE IT UNLIKELY CONGRESS WILL DECIDE TO APPROPRIATE THE FULL \$97.4 MILLION WE ARE ASKING, WE WILL NEED EVIDENCE OF PROGRESS AT THE 102ND AND 103RD EXECUTIVE BOARDS IN ORDER TO JUSTIFY ANOTHER SUPPLEMENTAL APPROPRIATIONS REQUEST FOR ANY BALANCE WE WOULD THEN OWE.
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TO AMEMBASSY TEL AVIV

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C O N F I D E N T I A L STATE 065129

NESCO

FOLLOWING REPEAT STATE 65129 ACTION PARIS INFO USUN NY GENEVA

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QTE C O N F I D E N T I A L STATE 065129

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PAGE 06 STATE 065129

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Decaption Note:
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Disposition Approved on Date:
Disposition Case Number: n/a
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Disposition Date: 22 May 2009
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Disposition Remarks:
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